

Message Text

UNCLASSIFIED

PAGE 01 DOHA 00104 241319Z
ACTION NEA-10

INFO OCT-01 ISO-00 EB-08 /019 W
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R 241146Z JAN 78
FM AMEMBASSY DOHA
TO SECSTATE WASHDC 3321
INFO USDOC WASHDC

UNCLAS DOHA 104

DEPT FOR NEA/ARP ZIOLKOWSKI

E.O. 11652: N/A
TAGS: BDIS, QA, US
SUBJECT: TRADE DISPUTES: STATUS OF EAST-EUROPE DOMESTIC INTER-
NATIONAL CORP. TRADE COMPLAINT AGAINST QATAR NATIONAL CEMENT CO.

REF: 77 BUCHAREST 5116, ZIOLKOWSKI/KILLGORE TELECON JAN 17, 1978

1. OFFICE OF NATIONAL CEMENT COMPANY BOARD CHAIRMAN, RASHID
MANNAI, INFORMS EMBASSY THAT MANNAI AGAIN OUT OF COUNTRY (APPAR-
ENTLY VISITING SICK RELATIVE IN U.K.) AND OFFICE UNAWARE OF DATE
OF RETURN. NO RPT NO PROGRESS HAD BEEN MADE.

2. EMBASSY COMMERCIAL OFFICE IS OF OPINION THAT ONLY POSSIBLE
RECOURSE NOW OPEN TO EAST EUROPE IS TO TAKE CASE TO COURT. MANNAI
HAS TOLD US OVER PAST 18 MONTHS OF DISPUTE THAT:

(A) CALLING OF PERFORMANCE BOND WAS JUSTIFIED SINCE EAST EUROPE
FAILED TO PERFORM, I.E., EAST EUROPE DID NOT DELIVER CEMENT WHICH
THEY HAD CONTRACTED, THROUGH THEIR AGENT, TO DELIVER.

(B) FORCE MAJEURE ARGUMENT IS SPECIOUS SINCE FORCE MAJEURE CALUSE
IN CONTRACT SIGNED BY EAST EUROPE AGENT SPECIFIED "WAR, FLOODS,
STRIKES, FIRE AND ACT OF GOD" AS BEING INCLUDED IN FORCE MAJEURE
AND THAT NONE OF THESE CIRCUMSTANCES HAD OCCURRED.

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(C) NON-DELIVERY OF CEMENT TO EAST EUROPE BY RUMANIAN SUPPLIER,
VITROCIM, IRRELEVANT SINCE BOTH SALES AGREEMENT AND LC SPECIFIED
SPANISH, NOT RUMANIAN CEMENT.

(D) SALES AGREEMENT SPECIFICALLY SAYS THAT IN CASE OF FAILURE TO
SETTLE DISAGREEMENTS OR DISPUTES ARBITRATION WILL BE IN QATAR OR
IN CASE OF FAILURE OF ARBITRATION THE DISPUTE WILL BE REFERRED

TO AN UMPIRE UNDER THE LAWS OF QATAR.

3. EMBASSY HAS THE DISTINCT IMPRESSION THAT QATAR NATIONAL CEMENT COMPANY IS IGNORING EMBASSY INQUIRIES AND DIRECT INQUIRIES OF EAST EUROPE. RASHID MANNAI IS ALWAYS COURTEOUS TO EMBOFF BUT NEVER HAS NAY PROGRESS TO REPORT. HE IS OFTEN UNAVAILABLE OR OUT OF COUNTRY AND NO OTHER OFFICER OF THE QATARI COMPANY WILL DISCUSS EAST EUROPE DISPUTE.

4. WE ARE WILLING AND ABLE TO CONTINUE OUR PURSUIT OF THIS CASE BUT WE FEEL THAT THE EFFORT IS FUTILE. THERE HAS BEEN NO PROGRESS IN AT LEAST A YEAR AND THERE IS NO INDICATION THAT THERE WILL BE ANY PROGRESS.

5. PLEASE INFORM MR. ROBERT ROSS OF EAST EUROPE OF CONTENTS OF THE MESSAGE.
KILLGORE

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NNN

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